

FILED

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

HEATHER CONTI, as Next Friend of
ANGELINA CONTI,

Plaintiff,

vs.

MASON CITY COMMUNITY SCHOOL
DISTRICT,

Defendant.

LAW NO. LACV067526

PETITION AT LAW
and JURY DEMAND

COMES NOW the Plaintiffs, by and through their undersigned counsel, and for their
Petition at Law and Jury Demand, state to the Court as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Heather Conti is an individual residing in Mason City, Cerro Gordo
County, Iowa, the next friend of Angelina Conti and the natural parent of Angelina Conti.

2. Plaintiff Angelina Conti (hereinafter "Angelina") is an individual residing in
Mason City, Cerro Gordo County, Iowa, and the daughter of Plaintiff Heather Conti.

3. Defendant Mason City Community School District is a public school district in
Mason City, Cerro Gordo County, Iowa.

4. Subject matter jurisdiction of the district court is proper pursuant to Iowa
Code § 602.6101 (2011).

5. Venue is proper in the district court for Cerro Gordo County, Iowa pursuant
to Iowa Code §§ 616.14, 616.17, 616.18 (2011).

GENERAL FACTUAL ALLEGATIONS

6. Plaintiff Angelina Conti is a 17 year-old girl who recently completed the 11th

grade at the Central Springs High School of the Central Springs District for the 2011-2012 academic year. In the 2010-2011 academic year, Angelina attended Mason City High School of the Mason City Community School District.

7. While a student in Mason City, Angelina suffered bullying from classmates, identified in this petition as A.S and N.LNU. During the 2010-2011 school year, A.S. and her cronies continuously bullied Angelina.

8. In the fall of 2010, the Contis complained and warned the Mason City School District that A.S. and others were bullying Angelina through verbal and physical acts that were detrimental to her physical and mental health and substantially interfered with her academic performance.

9. Nevertheless, despite having notice of the bullying, Defendants Mason City School District took no action whatsoever to protect Angelina.

10. The bullying escalated into the spring of 2011. Angelina received numerous text messages and an early morning phone call threatening her with physical violence. The Contis complained again to the Mason City School District.

11. When the Mason City School District failing to act to protect Angelina from bullying, the Contis had no other option but to file a police report for harassment in April 2011.

12. The harassment continued despite police involvement. On August 6, 2011 Angelina was the subject of a harassing video on Facebook, which resulted in additional police charges being filed by her.

13. In August 2011, the Contis had no choice but to open enroll to another school district, due to an inability or unwillingness of the Defendants to protect students of the

school district, after first being informed she could transfer to the alternative high school in the Mason City Community School District.

14. Upon information and belief, the Mason City School District took no remedial action against C.M., A.S, and N.LNU, all of whom are still enrolled at Mason City High School. They have not been disciplined by the Defendants for the pervasive bullying they perpetrated against Angelina.

**COUNT I
NEGLIGENCE**

15. Plaintiffs replead paragraphs one (1) through fourteen (14) as if fully set forth herein.

16. Defendant Mason City School District owed a duty to Angelina to provide a safe and civil school environment under Iowa Code section 280.28 (2009).

17. Defendant breached its duty and was negligent in one of the following particulars:

- a. Failing to exercise reasonable care to protect members of the public, including Angelina against the assaults by students at Mason City Community School District;
- b. Failing to exercise ordinary care in insulating Angelina from further dangerous assaults, both physical and mental;
- c. Failing to care for, supervise, and monitor students at Mason City Community School District;
- d. Failing to warn the public, including the Plaintiffs, of the dangerous conditions at Mason City High School;
- e. Failing to promptly investigate each and every complaint of bullying directed at Angelina; and
- f. Failing to keep the premises reasonably safe.

18. As a result of the negligence of the Defendant, Angelina sustained injuries

and damages, including, but not limited to:

- a. Physical pain and mental anguish in the past, present and future;
- b. Past, present and future medical expenses;
- c. Transportation expenses; and
- c. Other damages allowable by law.

19. The Defendant's acts and omissions in failing to protect Angelina were a proximate cause of the damages she suffered. The damages and injuries sustained by Angelina were reasonably foreseeable.

WHEREFORE Plaintiffs pray for judgment against Defendant in an amount which will fully compensate them for the damages alleged, and for interest, attorney fees, court costs, and such further relief as the Court deems fair and just.

**COUNT II
GROSS NEGLIGENCE**

20. Plaintiffs replead paragraphs one (1) through nineteen (19) as if fully set forth herein.

21. Defendant Mason City School District owed a duty to Angelina to provide a safe and civil school environment under Iowa Code section 280.28 (2009).

22. Defendant breached its duty and was negligent in one of the following particulars:

- a. Failing to exercise reasonable care to protect members of the public, including Angelina against the assaults by students at Mason City Community School District;
- b. Failing to exercise ordinary care in insulating Angelina from further dangerous assaults, both physical and mental;
- c. Failing to care for, supervise, and monitor students at Mason City Community School District;

- d. Failing to warn the public, including the Plaintiffs, of the dangerous conditions at Mason City High School;
- e. Failing to promptly investigate each and every complaint of bullying directed at Angelina; and
- f. Failing to keep the premises reasonably safe.

23. As a result of the negligence of the Defendant, Angelina sustained injuries and damages, including, but not limited to:

- a. Physical pain and mental anguish in the past, present and future;
- b. Past, present and future medical expenses;
- c. Transportation expenses; and
- d. Other damages allowable by law.

24. The Defendant's acts and omissions in failing to protect Angelina were a proximate cause of the damages she suffered. The damages and injuries sustained by Angelina were reasonably foreseeable.

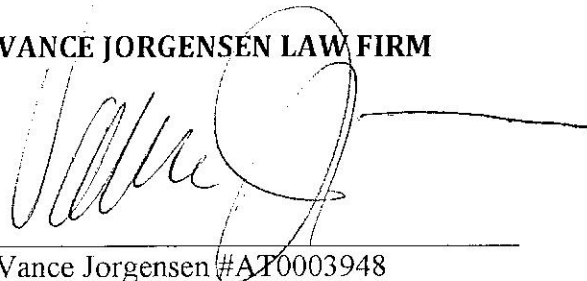
25. The Defendant was grossly negligent, demonstrating a willful and wanton disregard for the rights and safety of Angelina.

WHEREFORE Plaintiffs pray for judgment against Defendant in an amount which will fully compensate them for the damages alleged, interest, attorneys fees, court costs, punitive damages, and such further relief as the Court deems fair and just.

JURY DEMAND

Plaintiffs demand a trial by jury with regard to the above-entitled action.

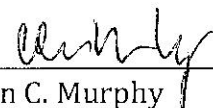
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